

OPINION 1280  
 RAFINESQUE, C.S., 1822 'ON THE TURTLES OF THE UNITED  
 STATES': SUPPRESSED

RULING.—(1) Under the plenary powers, the work by C. S. Rafinesque, 1822, 'On the turtles of the United States', *Kentucky Gazette* (n.s. 1), vol. 36, no. 21, 23 May, is hereby suppressed and it is hereby ruled that no name acquires the status of availability by reason of having been published therein.

(2) The title of the work suppressed under the plenary powers in (1) above is hereby placed on the Official Index of Rejected and Invalid Works in Zoology with the title number 88.

HISTORY OF THE CASE Z.N.(S.)2289

An application for Rafinesque's 1822 newspaper article 'On the turtles of the United States' to be suppressed was received in June 1979 from Professor Hobart M. Smith, Dr David Chiszar and Mrs Rozella B. Smith (*University of Colorado*). It was sent to the printer on 1 August 1979 and published on 8 May 1980 in *Bull. zool. Nom.* vol. 37, pp. 53–56. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials, to seven general serials and to two herpetological serials. A comment by Professor Dr L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden*) was replied to by the senior applicant and published, with a further comment from Mr A. F. Stimson (*British Museum (Natural History), London*) in *Bull. zool. Nom.* vol. 38, pp. 236–237. These comments discussed the proposition that Rafinesque's English (not North American Indian) vernacular names, which were descriptive, could or could not serve as descriptions or indications in the meaning of the Code. They did not affect the substance of the case.

DECISION OF THE COMMISSION

On 12 March 1984 the members of the Commission were asked to vote under the Three-Month Rule in Voting Paper (1984)2 for or against the proposals set out in *Bull. zool. Nom.* vol. 37, p. 56. At the close of the voting period on 12 June 1984 the state of the voting was as follows:

Affirmative Votes—twenty-two (22) received in the following order: Melville, Savage, Cocks, Willink, Halvorsen, Trjapitzin, Starobogatov, Holthuis, Binder, Mroczkowski, Hahn, Corliss, Brinck, Alvarado, Bayer, Schuster, Uéno, Cogger, Kraus, Ride, Heppell, Lehtinen

Negative Vote—Dupuis

No votes were returned by Bernardi and Sabrosky.

The following comments were returned by members of the

Commission with their voting papers:

*Holthuis*: 'To suppress a work because one name in it threatens stability of nomenclature seems like using a cannon to kill a fly. I vote for, because I must protest against Mr Stimson's reasoning that a vernacular name may be accepted as a description. This certainly is not and never has been the intention of the Code, and to accept his reasoning as correct would cause many instances of nomenclatural confusion.'

*Bayer*: 'The key to the status of at least 10 of the 12 names proposed by Rafinesque, 1822, was succinctly stated by Stimson (vol. 38, p. 236). The vernacular names associated with the species involved are quite evidently not aboriginal vernaculars (which may or may not be descriptive) but descriptive phrases applied as common names by Rafinesque himself. All but two (Fighting Tarapen and Biting Tarapen) convey objective characters (colour pattern, sculpture, nature of claws, etc) and it seems to me that they can only be interpreted as descriptive. The only safe way to avoid future difficulties is to suppress the work as a whole.'

*Hepell*: 'I think the general point raised as to whether a vernacular name can constitute a description (as distinct from an indication) is of sufficient importance that the Commission should make this unambiguous in the Code. It should also be made clear whether the mention of weight or dimensions alone is acceptable as a description (for nomenclatural purposes) in the absence of other stated characters [I would be opposed to either of these suggestions].'

*Dupuis*: 'Je m'oppose, par principe, à toute suppression d'ouvrage, et plus encore d'un ouvrage qui, réimprimé, n'en devient que plus accessible! Je vote, donc, contre la proposition originale. Je ne serais pas opposé, par contre, à la suppression de tel ou tel des noms inclus dans l'ouvrage.'

#### ORIGINAL REFERENCE

The original reference to the work suppressed by the ruling given in the present Opinion is that given in paragraph (1) of the Ruling.

#### CERTIFICATE

I hereby certify that the votes cast in V.P.(84)2 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1280.

R. V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

26 June 1984